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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Belgium*, Bulgaria*, Canada, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Italy, Japan, Latvia*, Liechtenstein*, Luxembourg, Norway*, Portugal*, Romania*, Slovakia*, Spain*, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

1998/... Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Recalling General Assembly resolution 52/140 of 12 December 1997 and its own resolution 1997/59 of 15 April 1997 on the situation of human rights in the Sudan,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Realizing the urgent need for implementing effective measures, nationally, regionally and internationally, to protect the civilian population, especially persons belonging to minorities, women and children, in the Sudan and northern Uganda from the effects of armed conflict,

Noting with deep concern continuing reports of grave human rights abuses and violations in the Sudan as noted in its resolution 1997/59, including detentions without trial, forced displacement of persons and torture, as described in, inter alia, numerous reports submitted to the General Assembly and the Commission on Human Rights,

Greatly disturbed by reports that these practices have frequently been carried out by agents under government authority or take place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices as urged by the General Assembly in resolution 52/140,

Pleased at the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteurs on religious intolerance and on freedom of expression and opinion and the Working Group on Contemporary Forms of Slavery, Amnesty International, The Human Rights Committee of the House of Lords of the United Kingdom and the United Nations High Commissioner for Human Rights,

Noting with appreciation the report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1998/66);

Noting the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Office of the High Commissioner for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help those committees to improve the observance of human rights in the Sudan,

Welcoming the establishment by the Consultative Council of Human Rights of subcommittees on detentions without trial, arrests, torture and the lack of due process of law; religious persecution; forced displacement and bombardments; extrajudicial killings; access for relief organizations and humanitarian law; slavery and disappearances; the rights of women; the rights of the child; and freedom of expression and peaceful assembly, and expressing the hope that its efforts will positively influence the human rights situation in the Sudan,

Also welcoming the emerging efforts of the Government of the Sudan which are centred on rehabilitating street children and reuniting them with their families,

1. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedom of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

2. Also expresses its deep concern at the actions by all parties to the conflict, including abduction, trafficking and sale of children, kidnappings, arbitrary detention, forced conscription, indiscriminate killings and forced displacement in the Sudan and neighbouring countries, as well as the failure to safeguard prisoners of war;

3. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan to deliver such assistance;

4. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

5. Urges the Government of the Sudan to ensure that all limitations on the construction of places of worship are abolished and that the destruction of places of worship ceases and to establish a culture of religious tolerance and non-discrimination that does not jeopardize the free exercise of religious activities;

6. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population, and to protect all civilians, especially persons belonging to minorities, women and children, from violations of human

rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

7. Again urges the Government of the Sudan to release all remaining political detainees, cease all acts of torture and cruel, inhuman or degrading punishment, close down all clandestine or unacknowledged detention centres and ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them and that such persons receive prompt, just and fair trials under internationally recognized standards;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

9. Also calls upon the Government of the Sudan and other parties to civil conflicts to ensure that their forces are properly trained and act in compliance with the standards set forth in international humanitarian law, and that those responsible for violations of such law are brought to justice;

10. Urges the Government of the Sudan to investigate reports that its policies and activities support, condone, encourage or foster the abduction, sale of or trafficking in children and that it subjects children to forced internment, indoctrination or cruel, inhumane or degrading treatment or punishment, and also urges the Government of the Sudan to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them and to facilitate the safe return of affected children to their families;

11. Welcomes the assistance the Government of the Sudan provided to the United Nations Children's Fund which returned seventeen abducted Ugandan children to their home country, and urges the continued cooperation of the Government of the Sudan in this regard;

12. Calls upon the Government of the Sudan to cooperate fully with the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and expresses the hope that the Committee will, in an independent manner, actively pursue investigations into cases of slavery, the slave trade, forced labour and similar institutions and practices in all parts of the country, producing more than the single report which it has published thus far;

13. Urges the Government of the Sudan to take all appropriate measures to put an immediate end to these practices;

14. Urges the Government of the Sudan to bring to an end without delay all violations of human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women, and to take urgent measures to ensure the repeal of all legislative and other measures which discriminate against women;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Expresses once again the hope that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

18. Decides to extend the mandate of the Special Rapporteur for an additional year;

19. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

20. Stresses the importance of the Special Rapporteur continuing to apply a gender perspective systematically in the reporting process, including information collection and recommendations;

21. Encourages the Special Rapporteurs on religious intolerance and on freedom of opinion and expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

22. Recommends that priority be given, within existing resources, to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and for the objectives suggested by the Special Rapporteur;

23. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fifth session, reassess such need;

24. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session;

25. Decides to continue its consideration of this question as a matter of priority at its fifty-fifth session.